

THIRTY-NINTH DAY

Tuesday, March 28, 2006

The Senate of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 11:40 o'clock a.m. with the President in the Chair.

The Divine Blessing was invoked by the Honorable Lorraine R. Inouye, Hawaii State Senate, after which the Roll was called showing all Senators present with the exception of Senator Hanabusa who was excused.

The President announced that he had read and approved the Journal of the Thirty-Eighth Day.

Senator Baker, on behalf of President Bunda, introduced Dr. Ed Cadman, former Dean of the John A. Burns School of Medicine at the University of Hawaii. Accompanying Dr. Cadman was interim Dean T. Samuel Shomaker, MD, JD.

At this time, the President invited Dr. Cadman to the podium to address the members of the Senate.

Dr. Cadman addressed the members of the Senate as follows:

REMARKS

At 12:06 o'clock p.m., the Senate stood in recess subject to the call of the Chair.

The Senate reconvened at 12:16 o'clock p.m.

MESSAGES FROM THE GOVERNOR

The following messages from the Governor (Gov. Msg. Nos. 314 to 361) were read by the Clerk and were referred to committees:

Gov. Msg. No. 314, submitting for consideration and confirmation to the State Board of Public Accountancy, the nomination of GORDON D. CIANO, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 315, submitting for consideration and confirmation to the Board of Agriculture, the nomination of CARL A. CARLSON, JR., term to expire June 30, 2010, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 316, submitting for consideration and confirmation to the Kauai Aquatic Life and Wildlife Advisory Committee, the nomination of LOIS FUJISHIGE, term to expire June 30, 2010, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 317, submitting for consideration and confirmation to the Civil Defense Advisory Council, the nomination of ANTHONY D. CASTBERG, term to expire June 30, 2010, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 318, submitting for consideration and confirmation to the Hawaii Community Development Authority (HCDA), the nomination of EVELYN E. SOUZA, term to expire June 30, 2010, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 319, submitting for consideration and confirmation to the Community-Based Economic Development

Advisory Council, the nomination of LORRAINE M. MENDOZA, term to expire June 30, 2010, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 320, submitting for consideration and confirmation to the Board of Trustees of the Deferred Compensation Plan, the nomination of SANDRA YAHIRO, term to expire June 30, 2010, was referred to the Committee on Labor.

Gov. Msg. No. 321, submitting for consideration and confirmation to the State Council on Developmental Disabilities, the nomination of JEAN L. JOHNSON, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 322, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of SHARON MONELANI FOUNTAIN, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 323, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of BRIAN KAJIYAMA, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 324, submitting for consideration and confirmation to the Disability and Communication Access Board, the nomination of CHRISTINA M. PILKINGTON, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 325, submitting for consideration and confirmation to the Emergency Medical Services Advisory Committee, the nomination of DAVID WILLIAM MAY, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 326, submitting for consideration and confirmation to the Environmental Council, the nomination of GAIL LEANNE GRABOWSKY, term to expire June 30, 2010, was referred to the Committee on Energy, Environment, and International Affairs.

Gov. Msg. No. 327, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nomination of DONALD S.M. CHANG, term to expire June 30, 2007, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 328, submitting for consideration and confirmation to the Hawaiian Homes Commission, the nomination of FRANCIS KAHOU LUM, term to expire June 30, 2010, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 329, submitting for consideration and confirmation to the Health Planning Council, Hawaii County Subarea, the nomination of JULIETTE M. TULANG, term to expire June 30, 2009, was referred to the Committee on Health.

Gov. Msg. No. 330, submitting for consideration and confirmation to the Health Planning Council, Honolulu Subarea, the nomination of JENNIFER DIESMAN, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 331, submitting for consideration and confirmation to the Health Planning Council, Honolulu

Subarea, the nomination of DARYL-JEAN WONG, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 332, submitting for consideration and confirmation to the Health Planning Council, Maui County Subarea, the nomination of ANGES M. GROFF, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 333, submitting for consideration and confirmation to the State Highway Safety Council, the nomination of JOHN T. KAIZUKA, term to expire June 30, 2009, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 334, submitting for consideration and confirmation to the Hawaii Historic Places Review Board, the nomination of KIYOSHI IKEDA, PH. D., term to expire June 30, 2010, was referred to the Committee on Media, Arts, Science and Technology.

Gov. Msg. No. 335, submitting for consideration and confirmation to the Board of Directors of the Housing and Community Development Corporation of Hawaii (HCDCH), the nomination of BETTY LOU LARSON, term to expire June 30, 2006, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 336, submitting for consideration and confirmation to the Statewide Council on Independent Living, the nomination of LINDA ANN WATSON, term to expire June 30, 2009, was referred to the Committee on Human Services.

Gov. Msg. No. 337, submitting for consideration and confirmation to the Land Use Commission, the nomination of RANSOM A.K. PILTZ, term to expire June 30, 2010, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 338, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawaii Service Area Board, the nomination of JAMAL F. WASAN PHD, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 339, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Hawaii Service Area Board, the nomination of GLENN ALBERT WEBSTER, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 340, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Kauai Service Area Board, the nomination of BRENDA K. VIADO MA, BAE, CRC, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 341, submitting for consideration and confirmation to the Mental Health and Substance Abuse, Oahu Service Area Board, the nomination of RICHARD CHARLES JACKSON, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 342, submitting for consideration and confirmation to the Natural Area Reserve System Commission, the nomination of JAMES D. JACOBI PHD, term to expire June 30, 2010, was referred to the Committee on Water, Land, and Agriculture.

Gov. Msg. No. 343, submitting for consideration and confirmation to the Board of Physical Therapy, the nomination of GILBERT PERRY HAGER MD, term to expire June 30,

2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 344, submitting for consideration and confirmation to the Board of Private Detectives and Guards, the nomination of THOMAS M. PHILLIPS, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 345, submitting for consideration and confirmation to the Board of Psychology, the nomination of ALLYSON M. TANOUYE, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 346, submitting for consideration and confirmation to the Radiologic Technology Board, the nomination of ADLEEN ICHINOSE, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 347, submitting for consideration and confirmation to the Radiologic Technology Board, the nomination of LESTER UYEDA, term to expire June 30, 2010, was referred to the Committee on Health.

Gov. Msg. No. 348, submitting for consideration and confirmation to the Real Estate Commission, the nomination of LOUIS E. ABRAMS, term to expire June 30, 2010, was referred to the Committee on Commerce, Consumer Protection and Housing.

Gov. Msg. No. 349, submitting for consideration and confirmation to the Board of Registration of the Island of Hawaii, the nomination of BEVERLY JEAN WITHINGTON, term to expire June 30, 2010, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 350, submitting for consideration and confirmation to the Board of Registration of the Island of Oahu, the nomination of LISA KEALA CARTER, term to expire June 30, 2010, was referred to the Committee on Judiciary and Hawaiian Affairs.

Gov. Msg. No. 351, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of GENE R. DESCALZI, term to expire June 30, 2009, was referred to the Committee on Human Services.

Gov. Msg. No. 352, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of DEBRA T. FARMER, term to expire June 30, 2009, was referred to the Committee on Human Services.

Gov. Msg. No. 353, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of NANCY G. KINGHORN, term to expire June 30, 2009, was referred to the Committee on Human Services.

Gov. Msg. No. 354, submitting for consideration and confirmation to the State Rehabilitation Council, the nomination of LORNA L. U. OTA, term to expire June 30, 2009, was referred to the Committee on Human Services.

Gov. Msg. No. 355, submitting for consideration and confirmation to the Small Business Regulatory Review Board, the nomination of LYNNE E. WOODS, term to expire June 30, 2010, was referred to the Committee on Business and Economic Development.

Gov. Msg. No. 356, submitting for consideration and confirmation to the Board of Directors of the Hawaii Tourism

Authority, the nomination of VERNON FOOK LEONG CHAR, term to expire June 30, 2010, was referred to the Committee on Tourism.

Gov. Msg. No. 357, submitting for consideration and confirmation to the Board of Directors of the Hawaii Tourism Authority, the nomination of KAWAIKAPUOKALANI K. HEWETT, term to expire June 30, 2010, was referred to the Committee on Tourism.

Gov. Msg. No. 358, submitting for consideration and confirmation to the Board of Directors of the Hawaii Tourism Authority, the nomination of MICHAEL K. KOBAYASHI, term to expire June 30, 2010, was referred to the Committee on Tourism.

Gov. Msg. No. 359, submitting for consideration and confirmation to the Board of Directors of the Hawaii Tourism Authority, the nomination of JOHN J. TONER, term to expire June 30, 2010, was referred to the Committee on Tourism.

Gov. Msg. No. 360, submitting for consideration and confirmation to the Commission on Transportation, the nomination of DAVID RAY MARSHALL, term to expire June 30, 2010, was referred to the Committee on Transportation and Government Operations.

Gov. Msg. No. 361, submitting for consideration and confirmation to the Board of Regents of the University of Hawaii, the nomination of JAMES J. C. HAYNES II, term to expire June 30, 2010, was referred to the Committee on Higher Education.

HOUSE COMMUNICATIONS

The following communications from the House (Hse. Com. Nos. 359 to 366) were read by the Clerk and were disposed of as follows:

Hse. Com. No. 359, transmitting H.B. No. 970, H.D. 1, which passed Third Reading in the House of Representatives on March 24, 2006, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, H.B. No. 970, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS," passed First Reading by title and was referred to the Committee on Ways and Means.

Hse. Com. No. 360, returning S.B. No. 2193, S.D. 1, which passed Third Reading in the House of Representatives on March 24, 2006, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 2193, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 361, returning S.B. No. 2489, which passed Third Reading in the House of Representatives on March 24, 2006, was placed on file.

Hse. Com. No. 362, returning S.B. No. 2591, which passed Third Reading in the House of Representatives on March 24, 2006, was placed on file.

Hse. Com. No. 363, returning S.B. No. 2601, which passed Third Reading in the House of Representatives on March 24, 2006, was placed on file.

Hse. Com. No. 364, returning S.B. No. 2604, which passed Third Reading in the House of Representatives on March 24, 2006, was placed on file.

Hse. Com. No. 365, returning S.B. No. 3066, S.D. 1, which passed Third Reading in the House of Representatives on March 24, 2006, in an amended form, was placed on file.

On motion by Senator Hee, seconded by Senator Hogue and carried, the Senate disagreed to the amendments proposed by the House to S.B. No. 3066, S.D. 1, and requested a conference on the subject matter thereof.

Hse. Com. No. 366, informing the Senate that the House has disagreed to the amendments proposed by the Senate to H.B. No. 2503, H.D. 2 (S.D. 1), was placed on file.

STANDING COMMITTEE REPORTS

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3166), recommending that S.C.R. No. 144, as amended in S.D. 1, be referred to the Committee on Health.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.C.R. No. 144, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A LONG-TERM CARE INFRASTRUCTURE PLAN FOR HAWAII TO ENSURE PUBLIC SAFETY WHILE SUPPORTING AGING IN PLACE," was referred to the Committee on Health.

Senator Chun Oakland, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 3167), recommending that S.R. No. 89, as amended in S.D. 1, be referred to the Committee on Health.

On motion by Senator Hee, seconded by Senator Hogue and carried, the report of the Committee was adopted and S.R. No. 89, S.D. 1, entitled: "SENATE RESOLUTION URGING THE DEVELOPMENT OF A LONG-TERM CARE INFRASTRUCTURE PLAN FOR HAWAII TO ENSURE PUBLIC SAFETY WHILE SUPPORTING AGING IN PLACE," was referred to the Committee on Health.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3168) recommending that S.R. No. 37 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3168 and S.R. No. 37, entitled: "SENATE RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," was deferred until Thursday, March 30, 2006.

Senator Menor, for the Committee on Commerce, Consumer Protection and Housing, presented a report (Stand. Com. Rep. No. 3169) recommending that S.C.R. No. 58 be adopted.

By unanimous consent, action on Stand. Com. Rep. No. 3169 and S.C.R. No. 58, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," was deferred until Thursday, March 30, 2006.

ORDER OF THE DAY**ADOPTION OF RESOLUTIONS****MATTERS DEFERRED FROM
FRIDAY, MARCH 24, 2006**

Stand. Com. Rep. No. 3164 (S.C.R. No. 12, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," was adopted.

Stand. Com. Rep. No. 3165 (S.R. No. 2, S.D. 1):

On motion by Senator Hee, seconded by Senator Hogue and carried, the joint report of the Committees was adopted and S.R. No. 2, S.D. 1, entitled: "SENATE RESOLUTION REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," was adopted.

THIRD READING

H.B. No. 1982, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 1982, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FISH," was deferred until Thursday, March 30, 2006.

H.B. No. 1984, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 1984, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVICTION DATA," was deferred until Thursday, March 30, 2006.

H.B. No. 2299, H.D. 1, S.D. 1:

By unanimous consent, action on H.B. No. 2299, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," was deferred until Thursday, March 30, 2006.

H.B. No. 2896:

By unanimous consent, action on H.B. No. 2896, entitled: "A BILL FOR AN ACT RELATING TO EMOTIONAL DISTRESS," was deferred until Thursday, March 30, 2006.

H.B. No. 3253, S.D. 1:

By unanimous consent, action on H.B. No. 3253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," was deferred until Thursday, March 30, 2006.

H.B. No. 2508, H.D. 2, S.D. 1:

By unanimous consent, action on H.B. No. 2508, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS," was deferred until Thursday, March 30, 2006.

HOUSE COMMUNICATIONS**MATTERS DEFERRED FROM
FRIDAY, MARCH 24, 2006**

H.C.R. No. 19 (Hse. Com. No. 357):

By unanimous consent, action on H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO STUDY POTENTIAL USE OF WATERWAYS AND LANDS WITHIN PEARL HARBOR UNDER FEDERAL JURISDICTION FOR PUBLIC TRANSPORTATION," was deferred until Thursday, March 30, 2006.

H.C.R. No. 53 (Hse. Com. No. 358):

By unanimous consent, action on H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," was deferred until Thursday, March 30, 2006.

RE-REFERRAL OF A HOUSE BILL

The Chair re-referred the following House bill that was received:

House Bill	Referred to:
No. 2057, H.D. 2	Committee on Health

ADJOURNMENT

At 12:19 o'clock p.m., on motion by Senator Hee, seconded by Senator Hogue and carried, the Senate adjourned until 11:30 o'clock a.m., Thursday, March 30, 2006.